

UNITED STATES PATENT & TRADEMARK OFFICE  
Washington, D.C. 20231

REQUEST FOR PATENT FEE REFUND				
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OFFICE: <u>OP</u>				
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Instructions for completion of this form appear on the back. After completion, attach white and yellow copies to the official file and mail or hand-carry to:

Office of Finance  
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7 DAE  
21W

In re Application of:

Timothy BATEMAN et al.

Serial No. 09/940,419

Art Unit: 3743

Filed: August 29, 2001

Examiner: Mitchell, Teena Kay

For: PATIENT VENTILATION  
DEVICES

Atty Docket: 0100/0134

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT  
ABANDONED UNAVOIDABLY UNDER 37 C.F.R. § 1.137(a);  
or, in the alternative,  
ABANDONED UNINTENTIONALLY UNDER 37 C.F.R. § 1.137(b)**

**MAIL STOP PETITIONS**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

1. Applicant petitions for the revival of the above-identified application.

2. The instant application became abandoned on July 26, 2005, subsequent to the six month statutory period to respond to the office action dated January 26, 2005. An office communication from the PTO dated September 21, 2005 notes that the above-identified application became abandoned due to applicant's failure to timely file a proper reply to the office action of January 26, 2005, as no reply has been received.

3. A Rule 116 amendment, copy attached herewith, in fact was filed on April 11, 2005 in response to the January 26, 2005 Office Action. The responsive amendment was filed by fax to the official fax server number of the U.S. PTO for receiving responsive amendments. A copy of the "Auto-Reply Facsimile Transmission" evidencing that the

09/29/2005 SZENDIE1 00000095 500501 09940419

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Adjustment date: 12/22/2005  
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